

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 162, FOOD AND DRUGS ACT.

ADULTERATION OF SEEDLESS RAISINS.

In accordance with the provisions of section 4 of the Food & Drugs Act of June 30, 1906, and regulation 6 of the Rules and Regulations for the enforcement of the Act, notice is given that on the 18th day of October, 1909, in the Supreme Court of the District of Columbia, holding a district court of the United States, judgment was entered in the below entitled case, wherein a libel was filed under section 10 of the aforesaid Act, which alleged in substance that 12 boxes more or less of an article of food labeled "Phoenix Brand Floated Seedless Muscatels, Phoenix Packing Company, Fresno," which had been shipped in interstate commerce to John C. Ewald, at Washington, D. C., and found in his possession, were adulterated in that they were infested with worms and other animal matter, and so contaminated by the presence thereof as to be unfit for human consumption, and further alleging that the said John C. Ewald was engaged in the business of baking food supplies and of selling bakers' supplies and that the said adulterated raisins were being offered for sale by him in the District of Columbia, after being prepared as food products. The libel prayed process against all claimants to said raisins and seizure and condemnation of the same.

The said John C. Ewald appeared as claimant and made answer to the libel, consenting to the passage of the decree herein, which is in substance and form as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA. HOLDING A DISTRICT COURT.

UNITED STATES OF AMERICA, <i>Libelant</i> ,	}	District No. 846.
vs.		
TWELVE BOXES, MORE OR LESS, OF SEEDLESS RAISINS.		

JUDGMENT OF CONDEMNATION.

On motion of the United States for judgment of condemnation in the above entitled cause, and it appearing to the Court that upon the libel filed herein

on the 22nd day of September, A. D. 1909, the Marshal of the United States for the District of Columbia has seized eleven boxes of seedless raisins;

And it further appearing that John C. Ewald has entered his appearance herein as the person on whose premises the above mentioned property was located at the time of the seizure, and has filed herein his plea consenting to this judgment of condemnation, and no objection being signified to the Court,

And it further appearing that each and every box of said raisins is infested with worms and other animal matter and is so contaminated by the presence of the said worms and other animal matter that the said seedless raisins are unfit for human consumption;

And it further appearing that the said boxes of raisins and each of them, were offered for sale by the said John C. Ewald in the District of Columbia at the time of the filing of the libel herein;

It is this 18th day of October, A. D. 1909,

Adjudged, ordered and decreed: That the said boxes of raisins, and each of them, in the custody of the United States Marshal, are adulterated within the meaning of the said Act of Congress approved June 30, 1906;

And it is further ordered: That the said boxes of raisins and each of them, be, and they are hereby, condemned, and they shall be destroyed by the said Marshal of the United States in such manner as is provided by the said Act of Congress approved June 30, 1906.

And it is further ordered: That the said John C. Ewald pay all the costs of these proceedings.

The facts which led to the filing of the above libel were as follows:

Inspector of the United States Department of Agriculture found on the premises of John C. Ewald, No. 1244 Florida Avenue, Washington, D. C., 12 fifty-pound boxes of seedless raisins, labeled as above described, which had been shipped from Comly Flannigan & Company, Philadelphia, Pa., on or about August 7, 1909. The inspector ascertained that samples taken from three of the above boxes were infested with worms and other insects, and so contaminated as to be unfit for use in foods. On September 21, 1909, the Secretary of Agriculture reported the facts to the United States Attorney for the District of Columbia who filed the above libel with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

